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Attorney for Defendant Negasi Zuberi

**IN THE UNITED STATE DISTRICT OF COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NEGASI ZUBERI,

Defendant.

Case No. 1:23-cr-00254-MC

DECLARATION

I, Michael P Bertholf, declare the following to be true and to the best of my knowledge:

1. On September 27, 2023, I was appointed counsel for Negasi Zuberi pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A;
2. I make this Declaration in response to the government's motion to designate this case complex, and at the request of Judge McShane;

3. Defendant has been found indigent by the Court pursuant to 18 USC § 3006A(b), unable to pay for the costs of counsel, investigation, or experts to prepare a defense. Defendant remains in custody.

4. Defendant has been charged by indictment with Kidnapping in violation of Title 18, United States Code, Section 1201(a)(1) and Transportation with Intent to Engage in Sexual Activity in violation of Title 18, United States Code, Section 2421. The government has also alleged a forfeiture if defendant is convicted of Count 2 of the indictment.

5. To date the government has provided 230 Gigabytes worth of discovery in seven volumes. Volume seven alone contains 853 photographs and PDF copies of reports that range from 1 page to 20 pages. The discovery information contains hours of videos, from bodycam to surveillance videos. The government has indicated that there will be much more discoverable materials provided.

6. This case began merely as allegations of kidnapping and transport for sexual purposes. Defendant adamantly maintains his innocence and points out glaring inconsistencies and improbable allegations in the alleged victim's account. The case has evolved into a multi-state investigation. Counsel is currently aware of Oregon, Washington, Nevada, California and New York investigation information. In conversations with the prosecutors it appears that there may well be more states involved in the government's investigation. The information from all of these

investigations should be followed up by defense investigations and possible collateral investigations as well.

7. Defendant has been charged by indictment in Klamath County Circuit Court with eleven criminal charges, including sexual abuse charges, kidnapping and assault charges. The government has indicated that it may seek an indictment in federal court for those allegations and attempt to consolidate the cases together. The government indicates that it intends to offer character evidence regarding prior allegations of sexual abuse from other states via evidence rule 404(b). This will necessarily require litigation. Counsel anticipates that there will be a great deal of pretrial motions filed both by prosecution as well as defense.

8. Counsel is currently aware of four issues that will likely require the assistance of a scientific expert to review evidence and allegations made by alleged victim. The first issue that may require assistance in litigating the case is a possible cell phone “jammer” seized by law enforcement in this matter. Counsel would expect to have an expert review the electronics seized and assist Counsel in preparing for litigation. Another area is DNA evidence. While Counsel has not yet received any DNA evidence Counsel anticipates receipt of such evidence as law enforcement did take DNA standards from Defendant. At the same time law enforcement took DNA standards from Defendant they also took fingerprint standards from Defendant. Counsel anticipates receiving fingerprint evidence and will likely require the assistance

of an expert in reviewing that evidence. Lastly, the government allowed a very important piece of evidence to be destroyed. The alleged victim stated that she was forced into and locked inside of a makeshift “cell” at Defendant’s residence in Klamath Falls. This “cell” was destroyed prior to any member of Defendant’s legal team being allowed to examine it. Counsel anticipates seeking expert advice on the integrity of such a structure based on the only available evidence of the makeshift “cell”, namely minimal photographs.

9. To date Counsel has retained the services of a paralegal to assist in organizing the voluminous discovery, an investigator in Seattle (where this began), an investigator in Medford, and a mitigation specialist. It will take some time for the mitigation specialist to obtain a full life history of Defendant.

10. Defendant Zuberi has made it clear that he would like a timely trial and does not wish to waive any rights.

DATED this 29th day of November, 2023.

/s/ Michael P. Bertholf

Michael P. Bertholf, OSB #044642

Attorney for Defendant Mr. Zuberi